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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,093	03/19/2004	Shigeru Maruyama	043034-0182	7905
22428 7590 04/09/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
JACKSON, JAKIEDA R				
ART UNIT		PAPER NUMBER		
2626				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/804,093

**Applicant(s)**

MARUYAMA, SHIGERU

**Examiner**

JAKIEDA R. JACKSON

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 9-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed January 4, 2008, applicant submitted an amendment filed on March 17, 2008, in which the applicant amended and requested reconsideration with respect to **claims 1, 9 and 14**.

### ***Response to Arguments***

2. Applicant argues that Susen's system always validate a user prior to making a telephone call and a check is then made to determine if the validated user can make a particular phone call. In the claimed invention, a password check is not always performed on the user, which is in contrast to the system of Susen that first performs a validation check on a user no matter which phone call the user desires to make.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4, 8-12 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pathuel (EP 1176493 A2) in view of Susen et al. (PGPUB 2006/0188077), hereinafter referenced as Susen and in further view of Irisawa et al. (USPN 7,325,144), hereinafter referenced as Irisawa.

Regarding **claims 1, 8-9 and 14**, Pathuel discloses an unauthorized use prevention apparatus, method and program, hereinafter referenced as an apparatus included in an information processing device, comprising:

a speech feature memory storing identifying speech feature data previously obtained from voice of an authorized user (recording the orally reproduction of the sequence; abstract with column 2, paragraph 0011 and columns 8-9, paragraph 0061-0065);

a password generator for generating a password which is a string of arbitrary characters (generating a sequence of recognizable codes; abstract with column 2, paragraph 0011 and column 3, paragraph 0020 and column 5, paragraph 0034-0036 with column 7, paragraph 0050 and columns 8-9, paragraph 0061-0065);

a password notifying section for notifying a present user of the generated password (provided with a code; column 2, paragraph 0012 and columns 8-9, paragraph 0061-0065);

a speech feature extractor for extracting speech feature data from voice of the present user to produce input speech feature data (prompting the user to orally generate; abstract with column 2, paragraph 0011 and column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065);

a speech feature comparator for comparing the input speech feature data to the identifying speech feature data to produce a speech feature comparison result (performing a speech and speaker analysis; abstract with column 2, paragraph 0011 and column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065);

a password comparator for comparing an input password obtained from the voice of the present user to the generated password to produce a password comparison result (performing a speech and speaker analysis; abstract with column 2, paragraph 0011 and column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065); and

a controller for determining whether to inhibit the use of the information processing device, depending on the speech feature comparison result and the password comparison result (performing a speech and speaker analysis; abstract with column 2, paragraph 0011 and column 3, paragraph 0022 with column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065), but does not specifically teach a telephone dialing operation and a password check only when needed.

Susen discloses an apparatus comprising:

a database storing a plurality of entries (telephone numbers), each of which includes address information (types of connection) accompanied with password check flag (column 3, paragraphs 0022-0035),

wherein the information processing device is included in a communication device capable of voice communication (communication network having a plurality of fixed network lines or mobile telephone lines; column 3, paragraph 0030); and

wherein, when a telephone dialing request operation occurs, the controller searches the database for address information (types of connection) related to a telephone number (telephone numbers) corresponding to the telephone dialing request operation (column 3, paragraphs 0022-0035) and, when the password check flag

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accompanying the address information found indicates the password check is needed (acoustically provide a password), starts an unauthorized use preventing operation to prevent voice communication (unauthorized use) to be made to the telephone number corresponding to the telephone dialing request operation (column 1, paragraph 0011-0012); and

wherein when a second telephone dialing request operation occurs, the controller searches the database for address information (types of connection) related to a second telephone number (telephone numbers) corresponding to the second telephone dialing request operation (column 3, paragraphs 0022-0035), to prevent unauthorized use.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pathuel's apparatus as described above, for verifying access authorization for voice telephony in a fixed line or mobile telephone lines as well as communications network having such access authorization verification (column 1, paragraph 0002).

Pathuel in view of Susen discloses an unauthorized use prevention apparatus but does not specifically teach wherein a password check is used only when needed.

Irisawa discloses a password code checking function that that enables switching between requiring mode and non requiring mode for checking of a password code (column 1, lines 7-65 and column 6, line 47 - column 7, line 62), to ensure adequate security.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pathuel in view of Susen's apparatus wherein a

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password check is used only when needed, as taught by Susen, to enable passcode switching, for security purposes (column 1, lines 7-13).

Regarding **claims 2, 10 and 15**, Pathuel discloses an apparatus wherein the generated password is renewed each time the information processing device is put to use (generated immediately after request; column 2, paragraph 0014 and column 3, paragraph 0023).

Regarding **claims 3 and 11**, Pathuel discloses an apparatus wherein the password notifying section comprises a display section for displaying the generated password on screen so as to prompt the present user to sound out the generated password (prompting the user to orally generate; abstract and column 3, paragraph 0020 with column 5, paragraph 0034-0036).

Regarding **claims 4 and 12**, Pathuel discloses an apparatus wherein the password notifying section comprises a speech processor for sounding out the generated password through a speaker so as to prompt the present user to sound out the generated password (prompting the user to orally generate; abstract and column 3, paragraph 0020 with column 5, paragraph 0034-0036).

.5. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pathuel in view of Susen and Irisawa and in further view of Hongwei (USPN 6,904,526).

Regarding **claim 6**, Pathuel in view of Susen and Irisawa disclose an authorized prevention apparatus, but does not specifically teach wherein the password generator generates a renewed password in response to a request operation of making a call.

Hongwei discloses an apparatus wherein the password generator generates a renewed password in response to a request operation of making a call (column 1, line 61 – column 2, line 5 with column 13, lines 61 – column 14, line 28), to verify the password.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pathuel in view of Susen and Irisawa's apparatus wherein the password generator generates a renewed password in response to a request operation of making a call, as taught by Hongwei, for identification and access control (column 1, lines 4-18).

Regarding **claim 7**, Pathuel in view of Susen and Irisawa disclose an authorized prevention apparatus, but does not specifically teach wherein the password generator generates a renewed password in response to a request operation of making a call.

Hongwei discloses an apparatus wherein the password generator generates a renewed password in response to a request operation of making a call column 1, line 61 – column 2, line 5 with column 13, lines 61 – column 14, line 28), ), to verify the password.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pathuel in view of Susen and Irisawa's apparatus wherein the password generator generates a renewed password in response to a request operation of making a call, as taught by Hongwei, for identification and access control (column 1, lines 4-18).



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ

April 3, 2008

/David R Hudspeth/

Supervisory Patent Examiner, Art Unit 2626